PETITION FOR ZONING VARIANCE 3/S Hydes Road, 330' E of the c/1 of Manor Road (4507 Hydes Road) 11th Election District 6th Councilmanic District

Dennis D. Rioux, et ux

Petitioners

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 89-412-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance to permit a side _ 1 setback of 10 feet in lieu of the required 30 feet, and a side yard setback sum of 30 feet in lieu of the required 50 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 4507 Hydes Road, consists of .87 acres more or less zoned R.C. 5, and is currently unimproved. Petitioners testified they purchased the property three years ago with the intention of constructing a new home for their family. Testimony indicated that Petitioners hired an architect to design So home that would meet their needs. Petitioners testified that upon completion of the final drawings and application for a building permit, they were advised the proposed dwelling would not meet setback requirements and that a variance would be needed. Testimony indicated that Petitioners have spoken with the neighbors on both sides of the property who have no objection to their plans. Petitioners testified that the variance requested would not result in any detriment to the health, safety or general welfare of the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

PETITION FOR ZONING VAMANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which described in the description and plat attached hereto and made a part hereof, hereby petition for .

Variance from Section 1A04.3.B.5 (202.3. B.40. 1955.)

To permit a side yard setback of 10! and a side yard setback....

sum of 30: in lieu of the minimum 30: and 50., respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

to fit on existing lot as to permit total side setbacks

2. Also to permit access into garage via side yard driveway.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Raltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm,

MAP NE 185

under the penalties of perjury, that I/we are the legal owner(s) of the property

Henris Howd Kort

8545 HARRIS ALE CLI-7385

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

KARIN EUEN RIOUX

which is the subject of this Petition.

DENNIS DAVID

 $_{
m O}$ f 10 as.. 20 in lieu of the required 20 and 30.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. To accomodate desired house designed by Mr. & Mrs. Dennis Rioux

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

City and State

Attorney for Petitioner.

(Type or Print Name)

City and State

Attorney's Telephone No.: ..----

(Type or Print Name)

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, own of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the

THEREFORE, IT IS CORDERED by the Deputy Zoning Commissioner for Baltimore County this Word day of April, 1989 that the Petition for Zoning Variance to permit a side yard setback of 10 feet in lieu of the required 30 feet, and a side yard setback sum of 30 feet in lieu of the required 50 feet, for a proposed dwelling in accordance with Petit' ...er's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> - MNOstarou. ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

April 26, 1989

Mr. & Mrs. Dennis D. Rioux 8545 Harris Avenue Baltimore, Maryland 21234

Case No. 89-412-A

RE: PETITION FOR ZONING VARIANCE S/S Hydes Road, 330' E of the c/l of Manor Road (4507 Hydes Road) 11th Election District - 6th Councilmanic District Dennis D. Rioux, et ux - Petitioners

Dear Mr. & Mrs. Rioux:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

A HNOstravia

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

cc: Mr. John Kraft 4505 Hydes Road, Hydes, Md. 21082

Mr. Milton Price 4509 Hydes Road, Hydes, Md. 21082

People's Counsel

File

AMN:bjs

Beginning on the south side of Hydes Road, 30 feet wide, from the distance of330' east of the centerline of Manor Road, being Lot 1, Book 22, Folio 46 in the subdivision of Hydes View. Also known as 4507 Hydes Road containing .890 acres in the 11 th Election District

> 89-412-A CERTIFICATE OF POSTING ONING DEPARTMENT OF BALTIMORE COUNTY Towers, Maryland

District // T/I	Date of Posting 1/1/89
Posted for: /4/14-46-0	
Petitioner Dennis Dovid	Pioux, otex
Location of property: 5/5 //4 chas Adapt	330' E/MONOrRd
HSOT Hydus AJ	
Location of Signer Facing Hydis to On frefer by of Petitioner	Ly approx 10 For you dway.
on frefer ty of Petitioner	
Remarks:	
Posted by Signature	Date of return: 7/7/89
Number of Signs:	

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

Date: 4-3-89

Dennis F. Rasmussen

8545 Harris Avenue Baltimore, Maryland 21234

> 55 Hydes Road, 330' E c/l Manor Road 4507 Hydes Road 11th Election District - 6th Councilmanic Petitioner(s): Dennis David Rioux, et ux

Please be advised that $\frac{10.29}{10.29}$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

Ruilding Post 111 m minutes before

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION post set(s), there MISCELLANEOUS CASH RECEIPT each set not 1-01-615-000 8 8 932 **** 11629 ta 076 of VALIDATION OR SIGNATURE OF CASHIER DISTRIBUTION
WATE - CASHER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

March 8, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act Dennis F. Rasmyssen and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-412-A SS Hydes Road, 330° E c/1 Manor Road 4507 Hydes Road 11th Election District - 6th Councilmanic Petitioner(s): Dennis David Rioux, et ux HEARING SCHEDULED: THURSDAY, APRIL 20, 1989 at 10:30 a.m.

Variance to permit a side yard setback of 10 ft. and a side yard setback sum of 30 ft. in lieu of the minimum 30 ft. and 50 ft., respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County Mr. & Mrs. Ribux

Zoning Commissioner of Baltimore County.

ORDERED By The Zoning Commissioner of Baltimore County, this _____day

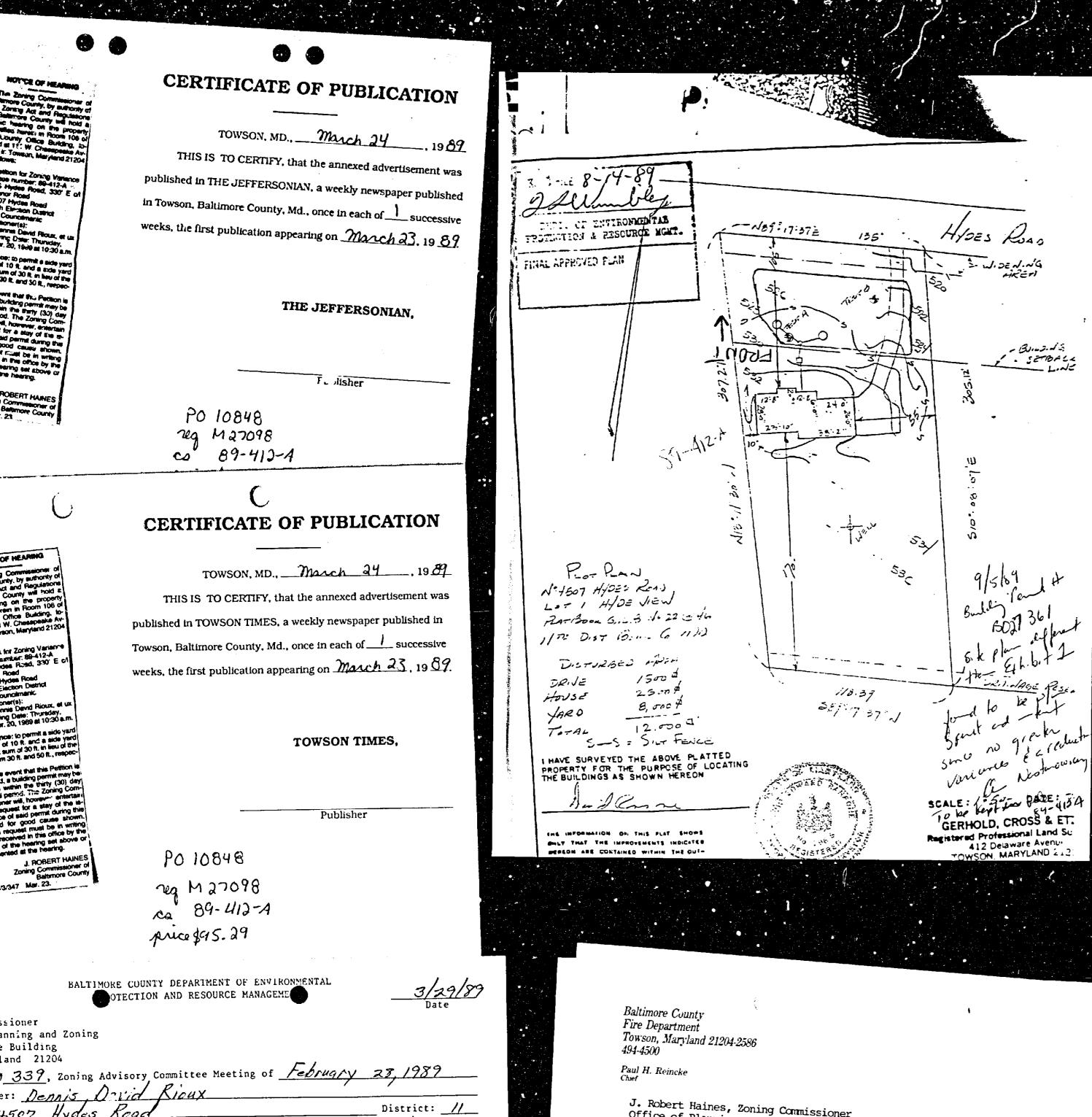
J. Robert Haines

Mr. & Mrs. Dennis D. Rioux

Petition for Zoning Variance CASE NUMBER: 89-412-A

HEARING SCHEDULED: THURSDAY, APRIL 20, 1989 at 10:30 a.m.

Dear Mr. & Mrs. Rioux:



ing Commissioner ice of Planning and Zoning inty Of ice Building son, Maryland 21204 ning Itim # 339, Zoning Advisory Committee Meeting of February 27, 1989 operty owner: Dennis, David Rioux eation: 4507 Hydes Road ter Sup iy: private

MENTS RE AS FOLLOWS:) Pror to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.) Proor to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality

Mr agement, 887~3775, to obtain requirements for such installation(s) before work begins.

) A permit to construct from the Bureau of Quality Management is required for such items as spray paint pricesses, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or pr cess which exhausts into the atmosphere. A ermit to construct from the Bureau of Air Quality Management is required for any charbroiler generation

which has a total cocking surface area of five (5) square feet or more. Pr.or to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for

Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, seumas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health ard safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

P ior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.) I lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

) P ior to razing of existing structure(s), petitioner must contact the Division of Waste Management a 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Pritioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.) A: y abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

Sail percolation tests, have been _____, must be _____, conducted.) The results are valid until Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

Viere water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until <u>June 23 1989</u>.

() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() Fior to occupancy approval, the potability of the water supply must be verified by collection of bacterioogical and chemical water samples.) f abmission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental

. Effects Report must be submitted. For more information contact the Division of Environmental Management .: 887-3980.

() . A order to subdivide this property, the owner or developer will be required to comply with the subdivision egulations of the State of Maryland and Baltimore County. If there are any questions regarding the bdivision process, please contact the Land Development Section at 887-2762.

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Dennis David Rioux, et ux Location: 4507 Hydes Road

Dennis F. Rasmussen Item No.: 339 Zoning Agenda: February 28, 1989 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Depart-

() 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

() 6. Site plans are approved, as drawn.

/jl

() 7. The Fire Prevention Bureau has no comments at this time.

Planning Group

Special Inspection Division

NOTED & APPROVED: Lift T Was June 19 To Links

Fire Prevention Bureau

W

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: 4/20/89 TO: J. Robert Haines Zoning Commissioner

FROM: Pat Keller Deputy Director

SUBJECT: ZONING ADVISORY COMMENTS

Case # 89-412-A Item # 339

The petitioner requests a variance to permit a minimum sideyard setback of 10 feet and a sum of the sideyards of 30 feet in lieu of the required 30 feet and 50 feet respectively. In reference to this request, the staff offers no comment.

Allena Utille

89-412-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this <u>lst</u> day of <u>March</u>, 1989.

Dennis David Rioux, Et ux Received by: Chairman, Zoning Plans Petitioner' Advisory Committee Attorney

---- N89:17:37 E-135' 13.5 WIDE STRIP FOR FOTORE WIDENING & MANDERS _____ BESERVE Elistado ; Dula Ludo 1 505 0.87 Ac. - 589:17:37W 118.39"

cet Air Rd.

GLB 22 FOUO 46

Vicinity Sketch

2-02-89 150 Plat For Zoning Variance Owner - Dennis & KARIN RIOUX District - 11, Zoned R.C. 5 Subdivision - Hyde VIEW LOT 1 GLB 22 Faio 46

PETTTON EXHIBIT